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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,956	10/01/2003	Suzanne Zebedee	323-100US D	9260
7590	05/31/2006		EXAMINER	
Joseph E. Mueth, Esq. Joseph E. Mueth Law Corporation 8th Floor 225 South Lake Avenue Pasadena, CA 91101			LUCAS, ZACHARIAH	
			ART UNIT	PAPER NUMBER
			1648	
DATE MAILED: 05/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

DATE MAILED:

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Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

See also, attached decision on Request for change of inventorship filed March 1, 2006.

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5/18/00

Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below.

1) The Application has been amended to include the sequences presented in New Figures 9-19. However, the sequence listing has not been updated to account for the addition of these sequences to the application. The sequence listing does not appear to include reference to the sequences newly presented in the amendments of February 13 or May 5, 2006 as is required by 37 CFR 1.821-1.824.

2) The specification is objected to for containing referring to sequences without also identifying them by the sequence identifier assigned to them in the sequence listing as required by 37 CFR 1.821(d). See e.g., the specification as filed, on page 4 line 21, page 11 line 8, page 13 line 18, page 14 line 34, page 18 line 14, page 27 line 10, page 36 line 18; the amendment of February 13, 2006, referring to the sequences of Figures 9 and 10, and disclosing sequences on pages 20, 31, 33-37, 39, and (e.g.) pages 24-25 of the amendment and referring to such; the amendments of April 3, 2006, referring to the sequences of Figures 9, 11, and 14-19; the amendments of May 5, 2006, referring to the sequences of Figures 11-19; and claim 118, referring to the sequences of Figure 9. The examiner would like to bring the applicant's attention to the following excerpt from MPEP §2422.03:

37 CFR 1.821(d) requires the use of the assigned sequence identifier in all instances where the description or claims of a patent application discuss sequences regardless of whether a given sequence is also embedded in the text of the description or claims of an application. This

Art Unit: 1648

requirement is also intended to permit references, in both the description and claims, to sequences set forth in the "Sequence Listing" by the use of assigned sequence identifiers without repeating the sequence in the text of the description or claims. Sequence identifiers can also be used to discuss and/or claim parts or fragments of a properly presented sequence. For example, language such as "residues 14 to 243 of SEQ ID NO: 23" is permissible and the fragment need not be separately presented in the "Sequence Listing." Where a sequence is embedded in the text of an application, it must be presented in a manner that complies with the requirements of the sequence rules.

The applicant is therefore required to amend the specification to comply with 37 CFR 1.821(d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachariah Lucas whose telephone number is 571-272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Z. Lucas
Patent Examiner

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In re Application of :
Suzanne Zebedee, et al. :
Serial No.: 10/677,956 : PETITION DECISION
Filed: October 01, 2003 :
Attorney Docket No.: 323-100US-D :
:

This is a decision on the REQUEST FOR CHANGE OF INVENTORSHIP PURSUANT TO 37 CFR 1.48(b). The petition was filed March 1, 2006. 37 CFR 1.48(b) sets forth the requirements for a change of inventorship due to amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed. A request for such a change of inventorship requires a request, signed by a party as indicated in 37 CFR 1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application, and the required fee under 37 CFR 1.17(i).

A review of the application record indicates that the petition meets all of the requirements for acceptance of the request for a change in inventorship under 37 CFR 1.48 (b).

The petition is **GRANTED**.

In view of the papers filed March 1, 2006, the inventorship in this nonprovisional application has been changed by the deletion of Torsten B. Helting and Michael F. Nunn.

Bruce Campbell
Supervisory Patent Examiner
Art Unit 1648

